

### **REMARKS**

Claims 36-58 are rejected and based upon the following, reconsideration of these claims is respectfully requested. All claims are believed to be presently in condition for allowance and such allowance is respectfully requested.

### **35 U.S.C. § 112**

Claims 36-40 were rejected under 35 U.S.C. § 112, second paragraph. The undersigned thanks the Examiner for pointing to the incomplete or missing text. The last method step in claim 36 has been corrected.

With respect to the rejection based upon a "lack of antecedent basis" or "the casino bonus game," the invention as set forth in the specification includes a stand alone casino game or a casino game having an underlying gaming machine with an accompanying bonus game. This is clearly presented throughout the specification such as for example page 11 lines 15-17 and at page 14 line 25 through page 15 line 22. Hence, it is maintained that the antecedent basis is correct.

### **35 U.S.C. § 102**

Claims 36, 39, 41 and 44-56 are rejected under 35 U.S.C. § 102(d) as being anticipated by Cork. At the outset, the applicants respectfully disagree with the rejection concluding that "Cork discloses a strategy-based casino bonus game method ...". This simply is not true. There is no strategy in Cork, only luck. Cork teaches that the player first must select all positions. The player's selections are shown in Figure 4 as "Xs." Cork: page 6, lines 1-17. After player selection and display, the microprocessor in Cork then operates to super-impose the ball "O" on the screen. Cork: page 6, lines 19-24. If there is an X in the ball, the player receives an award. Cork: page 6, lines 24-26. This is luck, not strategy. The player simply can not strategize where to place the Xs.

This is not the present invention where the player actually strategizes as fully taught within the specification. The compound hidden pattern is displayed on the screen randomly before the player selects. The player then makes one input and uncovers (or not) part (or all) of the pattern. Based on this information, the player strategizes to place the next input. The player can strategize where the compound hidden pattern is based after each previously placed input.

With respect to the Rejection's interpretation of the phrase "compound hidden pattern" (i.e., a number of patterns (black and white pixels) arranged and hidden from view) the applicants' respectfully disagree and rely upon the usage of the phrase as set forth in the specification repeatedly. First, there is no basis for this interpretation and strict proof of this interpretation is requested. Second, there is no "hidden pattern" in Cork. Indeed, the word "hidden" is never used in Cork. After the player has inputted all of the "Xs" the Cork microprocessor then displays the ball "O" on the screen.

For these reasons, claims 36, 39, 41 and 44-56 stand allowable as not either being anticipated nor rendered obvious by Cork. However, claims 36 and 41 are amended by clarifying that the "compound hidden pattern" was displayed on the screen prior to receiving inputs. While this was previously stated in the awarding step (i.e., "received inputs used to uncover a compound hidden pattern") this amendment clarifies that. These claims are also amended to clarify that "after each received input" "all or a part of the compound hidden pattern is uncovered." Claims 36, 39, 41 and 44-51 are in condition for allowance and such allowance is respectfully requested.

With respect to rejected claims 52-54, Cork is not a strategy-based game. Cork requires the player to place all "Xs" on the screen. There is no strategy in this as whether or not a placed X corresponds to a ball. It is pure luck. The entire specification of the present invention relates to a strategy-based casino game wherein after each player input, the player receives information (i.e., a game result or not). Based upon this information the player can strategize as where to place the next input. This teaching is not disclosed, suggested, or inferred in Cork. While it is maintained that claim 52 clearly states that it is strategy-based casino bonus game, clarifies that "prior to receiving a next player input" that the method step of "displaying whether a successful game result is obtained in the strategy-based casino game for prior player input" occurs. Claims 52-54 are patentably distinct over Cork.

Claims 55-56 are also rejected by Cork under 35 U.S.C. § 102. The arguments set forth above are herein incorporated by reference. Cork is not a strategy-based game. But more importantly, claim 55 provides playing a second game when the solution to the strategy-based bonus game is obtained. There is no disclosure in Cork of this feature whatsoever. The clarification amendment for claim 52 has been made in claim 55 also.

35 U.S.C. § 103

~~Claims 37, 38, 39, 40, 42, 43, 57 and 58~~ are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cork. The reasons set forth above are incorporated herein by reference. For these reasons alone, the pending claims are patentably distinct over Cork.

Further, Cork does not provide a plurality of balls. Hence, claims 37, 38, 57 and 58 stand patentably distinct over Cork. Use of hindsight is not proper.

With respect to claims 39 and 42, Cork admittedly does not provide a progressive jackpot payout. Each of these claims when read with their corresponding independent claim, as a whole, provide a claimed invention simply not found in Cork.

Claims 40 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cork as applied to claims 36 and 42 and further in view of Trend. The reasoning set forth in the discussion of 35 U.S.C. § 102 and immediately above are incorporated herein by reference. Admittedly Cork fails to teach a pre-game as an award. When Cork and Trend are taken together and when each of these dependent claims 40 and 43 are read with their respective independent claim, as a whole, these claims stand patentably distinguishable over the teachings of Cork and Trend. Furthermore, the applicants respectfully disagree with the "spot-the-ball game" language used in the rejection. This language is not used in Cork or in Trend and unfairly describes the Cork and Trend games. There is no ball to be "spotted" in either game. It is only by luck (not strategy) that a player hits a ball. Cork and Trend are entirely different gaming concepts which actually support the novelty of the present invention.

It is maintained that all pending claims, as amended, are in condition for allowance and such allowance is respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER, P.C.

Date: 1/26/03

By: Robert C. Dorr  
Robert C. Dorr  
Reg. No. 27,782  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010

C:\DOCS\Patent\Mikohn\187(d) - Response to 08-26-2003 OA